

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMM 02 FEB 2-1279

A RESOLUTION AUTHORIZING THE INTERIM CITY ATTORNEY TO RETAIN THE SERVICES OF OUTSIDE COUNSEL FOR THE PURPOSE OF PROVIDING LEGAL REPRESENTATION TO FORMER ATLANTA POLICE OFFICER JAMES GREG WINGO IN A LAWSUIT FILED AGAINST HIM; AUTHORIZING THE INTERIM CITY ATTORNEY TO INCUR AND THE CHIEF FINANCIAL OFFICER TO PAY INVOICES AND EXPENSES IN AN AMOUNT NOT TO EXCEED \$40,000; AND FOR OTHER PURPOSES.

WHEREAS, on January 22, 1996, a lawsuit was filed in the United States District Court for the Northern District of Georgia, styled Jimmy Scott Bagley vs. J.G. Wingo, Beverly Harvard, City of Atlanta, et al., United States District Court, Civil Acton No.:1:96-CV-0151-CAM, wherein it is contended that former Atlanta police officer James Greg Wingo violated the rights of Jimmy Scott Bagley; and

WHEREAS, claims against the City of Atlanta and Chief Harvard were dismissed from the lawsuit on November 2, 1999, the Interim City Attorney has determined that it will be necessary and in the best interest of the City to hire outside counsel to represent James Greg Wingo in this matter; and

WHEREAS, Charles R. Floyd, Sr. is a partner in the law firm of Floyd Law Office, with extensive experience in the representing of municipalities and their employers; and

WHEREAS, the Interim City Attorney has determined that Mr. Floyd's knowledge and experience in civil litigation will result in substantial financial savings to the City in the above lawsuit; and

WHEREAS, the Interim City Attorney has determined that Mr. Floyd's hourly rate is competitive with the rates charged by attorneys with similar experience in the Atlanta market;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. The Interim City Attorney is authorized to retain the services of Charles R. Floyd, Sr. to provide independent legal representation for James Greg Wingo in the case styled Jimmy Scott Bagley vs. J.G. Wingo, Beverly Harvard, City of Atlanta, et al., United States District Court Civil Acton No.:1:96-CV-0151-CAM.

SECTION 2. The Interim City Attorney is hereby authorized to compensate Mr. Floyd for amounts reasonably expended to perform such legal services, including fees and expenses, in an amount not to exceed the sum of Forty Thousand Dollars (\$40,000), to be paid out of Account No. 1A01 52917 T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0795

Date: 07/15/02

Claimant /Victim: JOSEPH P. MEYER

BY: (Atty) _____

Address: 2515 Woodward Way Atlanta, Georgia 30305

Subrogation: _____ Claim for Property damage \$ 4,993.69 Bodily Injury \$ _____

Date of Notice: 12/12/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/12/01 Place: 446 Peachtree Battle Avenue, NE

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages to his vehicle after driving over an improperly secured City sewer construction site in the roadway causing damages in the above amount. The City had notice of the condition of the roadway prior to the claimant's accident. The City has taken the necessary steps to repair the roadway.

INVESTIGATION:

Statements: City employee X Claimant X Other X Written X Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

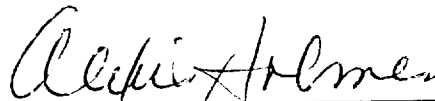
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 4,286.62 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 07-17-02

Committee Action: _____ Council Action _____